



AFFORDABLE HOUSING STREAMLINED APPROVAL (SB-35) SUPPLEMENTAL APPLICATION



GENERAL INFORMATION

WHAT IS AFFORDABLE HOUSING STREAMLINED APPROVAL?

In 2018, California Senate Bill 35 (SB-35) amended Government Code Section 65913.4 to create a streamlined approval process for certain multi-unit housing projects. SB-35 projects are exempt from discretionary review if the project is consistent with objective zoning and design review standards. This is a voluntary program a project applicant may elect to pursue, if certain eligibility criteria are met.

WHERE DOES IT APPLY?

SB-35 applies in cities that are not meeting their Regional Housing Needs Allocation (RHNA) for construction of above-moderate income housing, or housing affordable for persons with incomes below 80% area median income (AMI). Currently, Santa Barbara does not meet the RHNA goal for affordable housing for persons with incomes below 80% AMI. Therefore, SB-35 requires the City to streamline approval of certain housing projects by providing a ministerial approval process. Eligible projects are required to provide 50% of the units as affordable housing.

IS MY PROJECT ELIGIBLE?

Eligibility for SB-35 streamlining is subject to the requirements listed below, which are state-mandated and cannot be waived or amended. Applicants intending to request SB-35 streamlining must first submit a Notice of Intent in the form of a preliminary application. At that time, the City will initiate a California Native American Tribes consultation process prior to submittal of an application. Applications will not be accepted without providing sufficient evidence that the project meets all eligibility criteria.



STREAMLINED APPROVAL PROCESS

This is a summary of the affordable housing streamlined approval process for projects that meet the eligibility criteria pursuant to Government Code §65913.4.

STEP 1: CONFIRM THE PROJECT IS ELIGIBLE

The first step is to confirm that the project meets the eligibility criteria. Read the attached SB-35 Eligibility Checklist on page 3 to confirm the project is eligible.

STEP 2: SUBMIT A NOTICE OF INTENT

Once you have confirmed that the project meets all eligibility criteria, submit a Notice of Intent to submit an application in the form of the City's [Preliminary Housing Development Pre-Application](#).

STEP 3: TIMELINES FOR TRIBAL SCOPING CONSULTATION

Upon receipt of a Notice of Intent, the City will engage in a scoping consultation with any California Native American tribe that is affiliated with the geographic area. There is a 30-30-30 timeline:

1. **Notice.** Within 30 days, the City will provide formal notice for each Tribe.
2. **Acceptance.** Each Tribe has 30 days to accept the invitation to engage in consultation.
3. **Consultation.** The City initiates consultation within 30 days of acceptance of the invitation.

STEP 4: SUBMIT A COMPLETE APPLICATION

Once the Tribal Scoping Consultation has been concluded, and the project meets the eligibility criteria, you will submit: (1) this SB-35 Supplemental Application, along with (2) a [Planning \(PLN\) Application](#), and (3) the [Objective Design Standards](#) for Streamlined Housing Projects.

STEP 5: TIMELINES FOR MINISTERIAL REVIEW

The timelines for streamlined review are as follows:

1. **Application Review.** Planning staff will determine if the application is complete, and if the project is in conflict with any objective zoning and design review standards, within 60 days for projects of 150 or fewer units and 90 days for more than 150 units.
2. **Design Review.** After the application is determined to be complete, a noticed public hearing will be scheduled at the Architectural Board of Review or Historic Landmarks Commission. Review shall be objective and strictly focused on assessing compliance with applicable criteria and objective design review standards.
3. **Action on the Application.** Action on the application including ministerial design review must be completed in 90 days for 150 or fewer units and 180 days for projects with more than 150 units, measured from the date of a complete application submittal.
4. **Expiration.** A decision to approve the project will expire after three years. A denial of a qualifying streamlined housing project may be appealed by the applicant to the City Council.

STEP 6: SUBMIT A BUILDING PERMIT

A building permit must be issued prior to the three-year approval expiration date. A project may receive a one-time, one-year time extension if the applicant shows significant progress.



SB-35 ELIGIBILITY CHECKLIST

Applicants intending to request SB-35 streamlining must fill out this checklist to demonstrate eligibility.

A. PROJECT ELIGIBILITY CHECKLIST

If you AGREE to ALL of the following, the project may qualify for SB-35 review:		AGREE	DISAGREE
1.	Affordability. A minimum of 50% of the total residential units will be dedicated to low-income households making at or below 80% of the area median income (prior to calculating density bonus).	<input type="checkbox"/>	<input type="checkbox"/>
2.	Number. Project contains at least two or more net new residential units.	<input type="checkbox"/>	<input type="checkbox"/>
3.	Residential Uses. The parcel is zoned for residential uses, and at least $\frac{2}{3}$ of the floor area of the proposed development is dedicated to residential uses.	<input type="checkbox"/>	<input type="checkbox"/>
4.	Infill Development. At least 75% of the perimeter of the site adjoins lots developed with urban uses. Includes lots only separated by a street or highway.	<input type="checkbox"/>	<input type="checkbox"/>
5.	Historic Resources. The project does NOT demolish a historic structure, site, or feature that has been placed on a national, state, or local historic register (includes City Landmark, Structure of Merit, Potential Historic Resources List).	<input type="checkbox"/>	<input type="checkbox"/>
6.	Demolition of Residential Units. The project does NOT demolish housing units that have been occupied by tenants in the last 10 years; or any housing subject to rent or price control; or restricted rents to moderate, low, or very low incomes.	<input type="checkbox"/>	<input type="checkbox"/>
7.	Location. The project site is NOT within any of these areas: a coastal zone, prime farmland, wetland, a community conservation plan area, a habitat for protected species, or under a conservation easement.	<input type="checkbox"/>	<input type="checkbox"/>
8.	Hazards. The project site is either NOT within any of these areas, or the site has been cleared for residential use and complies with applicable hazard mitigation building code standards for these areas: high fire hazard severity zone, hazardous waste site, delineated earthquake fault zone, flood plain, or floodway.	<input type="checkbox"/>	<input type="checkbox"/>
9.	Prevailing Wages. All construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, if the development is not a public work.	<input type="checkbox"/>	<input type="checkbox"/>
10.	Skilled and Trained Workforce. A skilled and trained workforce, as defined in the Public Contract Code, will complete the development if the project is a subdivision.	<input type="checkbox"/>	<input type="checkbox"/>
11.	Notification to California Native American tribes. After providing a Notice of Intent, a determination by the City was made that either: no potential tribal cultural resource could be affected by the development; or all parties and the property owner entered into an agreement establishing the methods, measures, and conditions for treatment of tribal cultural resources.	<input type="checkbox"/>	<input type="checkbox"/>
12.	Consistent with Objective Standards. The project meets all objective zoning and design review standards at the time of SB-35 application submittal.	<input type="checkbox"/>	<input type="checkbox"/>



SB-35 CERTIFICATE OF COMPLIANCE

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or authorized agent of the owner of this property.
- b. The information presented is true and correct to the best of my knowledge.
- c. **Public Record.** I understand that any information provided becomes part of the public record and can be made available to the public for review and posted to the City website.
- d. **Affordable Housing.** I agree to comply with the applicable affordable housing dedication requirements established under Government Code section 65913.4(a)(3).
- e. **Prevailing Wage.** I agree to comply with the applicable prevailing wage requirements established under Government Code section 65913.4(a)(8)(A).
- f. **Workforce.** I agree to comply with the applicable skilled and trained workforce requirements established under Government Code section 65913.4(a)(8)(B).
- g. **Tenant-Occupied Housing.** I certify that the project site has not contained any housing occupied by tenants within 10 years prior to the date written below.
- h. **Owner/Agent Authorization.** If the applicant is not the Property Owner, both the Property Owner and Applicant must sign this affidavit. By signing this affidavit, the Property Owner authorizes the Applicant listed in this application to act as the Property Owner's agent on all matters in connection with this application.

PROPERTY OWNER:

Owner's Signature

Date

Owner's Name (printed)

APPLICANT: ☐ SAME AS ABOVE

Applicant's Signature

Date

Applicant's Name (printed)

Title (Architect, etc.)